

The Honorable Judge Marsha Pechmam

**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

TRAVIS MICKELSON, DANIELLE H.
MICKELSON, and the marital community
thereof,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC, an unknown
entity; JPMORGAN CHASE BANK, N.A., a
foreign corporation; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC., a foreign corporation; NORTHWEST
TRUSTEE SERVICES, INC., a domestic
corporation; JOHN DOES, unknown entities;
MORTGAGEIT, INC., a foreign corporation;
GMAC MORTGAGE CORPORATION, a
foreign corporation; CHICAGO TITLE, an
unknown corporation; ROUTH CRABTREE
OLSEN, P.S., a domestic Personal Services
Corporation; and FEDERAL HOME LOAN
MORTGAGE CORPORATION, a corporation,

Defendants.

No. C11-01445 MJP

**DEFENDANTS ROUTH CRABTREE
OLSEN, P.S. AND NORTHWEST
TRUSTEE SERVICES, INC.'S
JOINDER IN DEFENDANTS CHASE,
MERS, AND FREDDIE MAC'S
PARTIAL MOTION TO DISMISS
FILED ON JANUARY 12, 2012**

**NOTE ON MOTION CALENDAR:
February 3, 2011**

Defendants Routh Crabtree Olsen, P.S. ("RCO") and Northwest Trustee Services, Inc. ("NWTS") hereby join in JPMorgan Chase Bank ("Chase"), Mortgage Electronic Registration Systems, Inc. ("MERS"), and Federal Home Loan Mortgage Corporation's ("Freddie Mac") collectively, ("Moving Defendants") Partial Motion to Dismiss Plaintiffs' Amended Complaint pursuant to F.R.C.P. 12(b)(6) (the "Moving Defendants' Motion") filed on January 12, 2012.

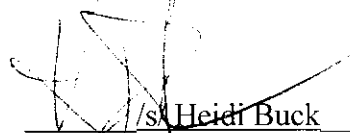
[Dkt. 43]. Defendants RCO and NWTs incorporate the entirety of Moving Defendants' Motion, all exhibits thereto, as if fully set forth herein.

By way of further response, Defendants RCO and NWTs note that the majority of courts have held that activities, including that of a foreclosing trustee, in furtherance of a nonjudicial foreclosure is not debt collection under the Fair Debt Collection Practices Act ("FDCPA") and those parties are not debt collectors.¹

In view of the foregoing, Defendants RCO and NWTs respectfully request its Joinder in the Moving Defendants' Motion be granted and that Plaintiffs' Amended Complaint be dismissed as to Defendants RCO and NWTs.

DATED this 12th day of January, 2012.

ROUTH CRABTREE OLSEN, P.S.



/s/ Heidi Buck
Heidi E. Buck, WSBA No. 41769
Of Attorneys for Defendants Routh Crabtree
Olsen, P.S. and Northwest Trustee Services,
Inc.

¹ See *Roman v. Nw. Tr. Services, Inc.*, C10-5585BHS, 2010 WL 5146593 *3 (W.D. Wash. Dec. 13, 2010); see also *Hulse v. Ocwen Federal Bank, FSB*, 195 F.Supp.2d 1188, 1204 (D. Or. 2002); see also *Jordan v. Kent Recovery Services*, 731 F. Supp. 652, 657-58 (D.Del.1990); see also *Armacost v. HSBC Bank USA*, Slip Copy, 2011 WL 825151, D.Idaho (February 09, 2011); see also *Anokhin v. BAC Home Loans Servicing, LLP*, Slip Copy, 2010 WL 5393972 (E.D.Cal.,2010); see also *Beadle v. Haughey*, 2005 DNH 16 (D.N.H. 2005); see also *Bittinger v. Wells Fargo Bank NA*, 744 F. Supp. 2d 619 (S.D. Tex. 2010); see also *Gentsch v. Ownit Mortg. Solutions Inc.*, Slip Copy, 2009 WL 1390843 (E.D.Cal.,2009); see also *Heinemann v. Jim Walter Homes, Inc.*, 47 F. Supp. 2d 716, 722 (N.D. W. Va. 1998); see also *Montgomery v. Huntington Bank*, 346 F.3d 693, 700 (6th Cir. 2003); and see *Powell v. Residential Mortg. Capital*, Slip Copy, 2010 WL 2133011 (N.D.Cal.,2010).